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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KARMELEK, ALISON L

ART UNIT	PAPER NUMBER
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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/064,959	SELF ET AL.	
	Examiner	Art Unit	
	Alison Karmelek	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>26112002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final, first office action upon examination of application number 10/064,959. Claims 1-18 are pending and have been examined on the merits discussed below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. As per claim 4, it recites the limitation, "transmitting the revised launch practice item or the new launch practice to the at least one member," in lines 1-2. There is insufficient antecedent basis for this limitation. For the purpose of examination, the limitation will be taken as – transmitting the revised launch practice item or the new launch practice **item** to the at least one member. Clarification is required.

5. As per claim 5, the term "about one month" and "about three months" are relative terms, which renders the claim indefinite. The term "about" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of examination, the limitation will be taken to read as – the deciding step lasts one month to three months.

6. As per claim 7, it recites the limitation, "the set of key sources includes...global craftsmanship." The term "global craftsmanship" is not defined by the specification, nor is it a term well known in the art. Therefore, for the purpose of examination, the term "global craftsmanship" will be taken to read as – a measure of fit and finish, correct ergonomic execution and appropriate sensory elements. Clarification is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 6 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Linde et al. (US Pub. No. 2003/0105773).

9. As per claim 1, Linde et al. teaches an online method for facilitating improved consistency, deliverability and/or measurability of a launch practice, the online method comprising: determining a launch practice item based on a set of key sources wherein the launch practice item is determine by a committee separate from a launch program team (paragraph 29 teaches providing information so that the correct decisions, or

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launch practice items, are taken where a knowledge and an understanding of the relevant market is provided with reference to key success factors, or key sources, there is an understanding of information on the market's unmet needs, and the likelihood of satisfying the unmet needs can be determined, where paragraph 34 teaches the key success factors provide transparency of a market for fast understanding, benchmarking, forecasting and strategic decision-making. Further, paragraph 49 teaches external computers corresponding to various clients or users which are cooperating with a service provider which is associated with an responsible for the central computer unit with its database, or a committee separate from a launch program, are used, as in paragraph 50, to obtain information related to market performance or the expected future sales of products. In other words, a separate group, or committee, provides, or determines, information pertaining to a new product launch, or launch practices);

Transmitting the launch practice item to an at least one member of the launch program teach wherein the at least one member uses the launch practice item to improve consistency, deliverability and/or measurability of the launch practice (paragraph 32 teaches the invention relying on key success factors for processing, presenting and transmitting relevant information regarding the market situation and for quantification of the post-launch performance, or launch practice item, where paragraph 33 teaches the information is provided by a marketing company and supplied to the manufacturer, and paragraph 34 teaches the key success factors provide transparency of a market for fast understanding, benchmarking, or consistency, forecasting, or measurability, and strategic decision making, deliverability).

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10. As per claim 2, Linde et al. teaches receiving an at least one member observation regarding the launch practice item (paragraph 50 teaches data being gathered through interviews and monitoring, or observing current purchase patterns).

11. As per claim 6, Linde et al. teaches the set of key sources includes lessons learned (paragraph 37 teaches a key success factor, or key source, being the capture rate which is a measure indicating and summarizing the market performance, where paragraph 40 teaches the market being static market reflecting (or resulting from) previous changes on the dynamic submarkets, or lessons learned from the previous dynamic markets).

12. As per claim 8, Linde et al. teaches the launch practice item is selected from the group consists of launch elements, procedures, guidelines, standards, policies, and work instruction (paragraphs 77-79 teach basing post-launch performance on market information, or launch elements, or information related to quantified unmet needs, standards associated with needs of the market, information related to the propensity of a product, or guidelines associated with needs of the market. Further, paragraphs 80-81 teach calculations of post-launch performance estimations being based on different market types, or the different policies associated with different markets, paragraph 85 teaches the finished result also including information regarding the market parameters, such as market standards, market guidelines, policies for different markets, where paragraph 86 teaches these determining which combination of decisions, or procedures, will render the highest market share, or what the course of action should be, or work instructions, determined by the chosen procedure).

13. As per claim 9, Linde et al. teaches the launch practice item is a procedure and a document supporting the procedure including measurables and deliverables (paragraph 86 teaches different values of market share will be obtained, or measured, depending on which latent need is emphasized, where the combination of decisions, or procedure, is determined with the latent needs, target groups, and market segments, or deliverables. Further paragraph 85 teaches the information can be supplied via the Internet, a computer-readable data carrier, or a printed publication).

14. As per claim 10, Linde et al. teaches the launch practice item is a standard and document supporting the standard including information regarding how the launch practice should be performed (paragraph 46 teaches key success factors, which go into the final product, including the rationale of why, when to whom and how the product will be prescribed, or launched, where paragraphs 85-86 teach the information can be supplied via the Internet, a computer-readable data carrier, or a printed publication and determines which combination of decisions will render the highest number of patients for the product, or the market share and consequently, the highest impact on the relevant markets).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3-5 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linde et al. in view of Jordan Kogler et al. (US Pub. No. 2003/0040998).

17. As per claim 3, Linde et al. teaches determining a launch practice item and receiving member observations as recited above in claim 1 and 2. However Linde et al. does not teach deciding to revise the launch practice item or to create a new launch practice item if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice.

Jordan Kogler et al. teaches deciding to revise the launch practice item or to create a new launch practice item if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice (paragraph 69 teaches user customer information and customer lists of the customer data to generate, revise, evaluate or the like, the marketing strategy, market penetration, market demographics, and the like, or launch practice items).

Both Linde et al. and Jordan Kogler et al. teach launch practice items, or marketing items and facilitating market penetration. Therefore it would have been obvious to one of ordinary skill in the art to include revising and creating new launch practice items in the determination of a pre-launch strategy of Linde et al. in order to more accurately monitor and process information as regard the market situation for a particular product in a more effective manner. See Linde et al. paragraph 10.

18. As per claim 4, Linde et al. teaches transmitting the launch practice item to at least one member as recited in claim 1 above. However, Linde et al. does not teach

transmitting the revised launch practice item or the new launch practice item to the at least one member.

Jordan Kogler et al. teaches transmitting the revised launch practice item or the new launch practice item to the at least one member (paragraph 69 teaches the marketing agent doing the revising and creating and Fig. 4 teaches the Marketing agent having contact, or the ability to transmit information, to the Direct Marketer, or at least one member).

Both Linde et al. and Jordan Kogler et al. teach launch practice items, or marketing items and facilitating market penetration. Therefore it would have been obvious to one of ordinary skill in the art to include transmitting the revised and created new launch practice items in the transmissions of Linde et al. in order to more accurately monitor and process information as regard the market situation for a particular product in a more effective manner. See Linde et al. paragraph 10.

19. As per claim 5, neither Linde et al. nor Jordan Kogler et al. teach the deciding step lasting one month to three months. However, Linde et al. does teach forecasting post-launch performance of the product using the six months, for example, of data to establish an adoption rate, or a launch practice item (paragraph 55). Examiner takes Official Notice that taking one to three months to collect data in order to obtain or revise a launch practice item is old and well known in the art of forecasting. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the time period of one to three months as a time period to decide to revise or create a new launch practice item in order to more accurately use the monitored

information as regards to the market situation for a particular product and process that information in a more effective manner. See Linde et al. paragraph 10.

20. As per claim 11, Linde et al. teaches an online system for facilitating improved consistency, deliverability and/or measurability of a launch practice, the system comprising at least one server computer operably serving at least one client computer (paragraph 48 teaches a central computer unit associated with a database adapted for storing data related to the various key success factors and also adapted for communicating with a plurality of external computers via a network), the at least one server computer configured to:

(i) transmit a launch practice item to an at least one member of a launch program team wherein the at least one member uses the define launch practice item to improve consistency, deliverability and/or measurability of the launch practice (paragraph 32 teaches the invention relying on key success factors for processing, presenting and transmitting relevant information regarding the market situation and for quantification of the post-launch performance, or launch practice item, where paragraph 33 teaches the information is provided by a marketing company and supplied to the manufacturer, and paragraph 34 teaches the key success factors provide transparency of a market for fast understanding, benchmarking, or consistency, forecasting, or measurability, and strategic decision making, deliverability);

(ii) receive an at least one member observation regarding the launch practice item (paragraph 50 teach data being gather through interviews and monitoring, or observing current purchase patterns).

Linde et al. does not teach transmitting a revised launch practice item and/or a new launch practice item implementing the at least one member observation if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice.

Jordan Kogler et al. teaches (iii) transmitting a revised launch practice item and/or a new launch practice item implementing the at least one member observation if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice. (paragraph 69 teaches user customer information and customer lists of the customer data to generate, revise, evaluate or the like, the marketing strategy, market penetration, market demographics, and the like, or launch practice items where the marketing agent does the revising and creating and Fig. 4 teaches the Marketing agent having contact, or the ability to transmit information, to the Direct Marketer, or at least one member).

Both Linde et al. and Jordan Kogler et al. teach launch practice items, or marketing items and facilitating market penetration. Therefore it would have been obvious to one of ordinary skill in the art to include transmitting a revised launch practice item and/or a new launch practice item implementing the at least one member observation if implementing the observation improves the consistency, deliverability and/or measurability of the launch practice in the determination and transmission a pre-launch strategy of Linde et al. in order to more accurately monitor and process information as regard the market situation for a particular product in a more effective manner. See Linde et al. paragraph 10.

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21. As per claims 12-14, the recites a system with limitation substantially similar to claims 8-10. Since Linde et al. teaches a system, as taught above in claim 11, claims 12-14 are rejected for the same reasons cited above in claims 8-10, respectively.

22. As per claims 15-18, they recite limitations substantially similar to those of claims 11-14 and are rejected for the same reasons set forth in claims 11-14, respectively.

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linde et al.

24. As per claim 7, Linde et al. teaches the set of key sources including launch principles (paragraph 46 teaches the why, when, to whom and how of launching the product), product quality planning initiatives (paragraoh53 teaches qualitative marketing efforts affecting the adoption, or launch process), and milestone standards (paragraphs 66-67 teach the different stages in the adoption, or launch practice, or milestones associated with the marketing efforts). However, Linde et al. does not expressly teach the set of key source including assembly plan launch process models, a measure of fit and finish, correct ergonomic execution and appropriate sensory elements, former body and assembly quality systems, former production systems, or product development systems. Examiner takes official notice that using factors such as, assembly plan launch process models, a measure of fit and finish, correct ergonomic execution and appropriate sensory elements, former body and assembly quality systems, former

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production systems, or product development systems are well known sources of information used to provide information for the launch of a product in the automotive arts. Therefore, it would have been obvious to one of ordinary skill in the art to include assembly plan launch process models, a measure of fit and finish, correct ergonomic execution and appropriate sensory elements, former body and assembly quality systems, former production systems, or product development systems as key sources to base launch practice items on in order to provide more accurate and flexible launch practices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Di Benedetto (Identifying the Key Success Factors in New Product Launch) teaches effective product launching through identifying key success factors.

Hultink et al. (In search of generic launch strategies for new products) teaches a research model that allows the investigation of the complexities of new product launch strategies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison Karmelek whose telephone number is (571) 272-1808. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AK
4/27/07

Beth VanDoren
Primary Examiner
AU 3623